

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Library Construction Grants (Section 1)

Present Situation:

Section 257.191, F.S., authorizes the Division of Library and Information Services to accept and administer library construction money appropriated to it on a matching grant basis. The Public Library Construction Grant Program, established in 1973, provides assistance in the construction of new buildings, site acquisition, and the acquisition, expansion, or remodeling of existing buildings to be used for public library services in municipal, county, and regional public libraries. The grants are required by law to have a local match of no less than 50 percent of the grant (a dollar for dollar match). By rule, the maximum state grant is set at \$500,000 in non-recurring funds and the minimum is set at \$10,000. The minimum project size is 3,000 square feet. Any of the 67 county general governments, incorporated municipalities, special districts, and special tax districts that establish or maintain a public library and provide free public library service can apply for a construction grant. In FY 2002-03, twelve grants were awarded to projects serving nine counties: Broward, Clay, Glades, Highlands, Nassau, Orange, Palm Beach, Sarasota, and Sumter.

Section 288.06561, F.S., provides for a reduction of waiver of financial match requirements for rural areas meeting the requirements under the Rural Economic Development Initiative (REDI) in s. 288.0656, F.S.

Based upon the REDI county library facility needs chart, many counties have insufficient revenue capacity at the local level to generate the money to construct or expand library facilities to meet federal square footage per capita standards. These counties are in need of more than the \$500,000 cap to begin to meet construction needs.

Effect of Proposed Changes:

The bill clarifies the match requirement for the Public Library Construction Grant Program by changing it to state that it will be a “dollar for dollar” match and by recognizing the waiver for certain rural areas. The bill also bill also provides that the allocation of resources appropriated to the construction grant program will be to municipal or county libraries and excludes reference to regional libraries.

Additionally, under the Public Library Construction Grant Program, the bill provides for small county public library construction grants for the purpose of assisting counties and municipalities that have been designated rural communities in accordance with ss. 288.0656(2)(b) and 288.06561, F.S., to construct, expand or renovate public library facilities to meet the federal requirement of 0.6 square feet per capita

of total library floor space. Rules for the administration of the small county public library grant program are to be developed by the Division of Library and Information Services of the Department of State.

As written, the bill specifies eligibility criteria for competitive grant funding for the public library construction grants. The criteria, however, limits all grants to rural communities not meeting federal square footage per capita requirements. These criteria appear to be more appropriately directed to the small county public library construction grants instead of all library construction grants.

Public Records Exemption for Library Records (Section 2)

Present Situation:

In 1978, the Florida Legislature enacted Chapter 78-81, L.O.F. (the act). The act created a public records exemption for library registration records and circulation records. The only exception to the exemption was for judicial orders. Additionally, the act made any violation a second degree misdemeanor. In 1996, the Florida Legislature amended the public records exemption to include additional exceptions. Currently, a municipal or county law enforcement official or a judicial official may have access to such records for the purpose of recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library or for collecting fines on overdue books, documents, films, or other items or materials. Any confidential and exempt information regarding a library patron under the age of 16 may not be released. A public library may only release information relating to the parent or guardian of such patron.

Effect of Proposed Changes:

House Bill 251 amends that public records exemption to allow the parent or guardian of a public library patron, under the age of 16, to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow a parent or guardian of the patron to have access to that patron's library records for any other reason than those previously listed. The bill does not grant a parent or guardian access to his or her child's library records for the purpose of monitoring or discovering what books the child checks out at the library.

C. SECTION DIRECTORY:

Section 1. Amends s. 257.191, F.S., relating to library construction grants, revising eligibility requirements, providing for waiver of grant matching requirements, requiring adoption of rules, and providing for effective date of section.

Section 2. Amends s. 257.261, F.S., relating to library registration and circulation records, providing parental or guardian access under certain circumstances.

Section 3. Providing for severability.

Section 4. Providing an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Division of Library and Information Services to adopt rules for the administration of the small county public library construction grants.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The sponsor stated that lines 42 through 70 of the bill were intended to apply only to the small county public library construction grants and not to all public library construction grants under s. 257.191, F.S. The sponsor also stated that the striking of "and regional" on line 28 of the bill was not intended to limit the use of funds for multicounty libraries. Because of the possible confusion of this language change, he recommended that the words be reinstated. Finally, the sponsor asked that the requirement that a parent or guardian must present a birth certificate of a minor child in order to have library records released to him or her for the purpose of collecting fines or recovering library materials was not workable and should be removed. The removal of this requirement conforms the language to other bills relating to release of such records.

An amendment has been prepared at the sponsor's request to accomplish all of the changes.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES